

Appl. No. 10/676,166
Response mailed January 8, 2007
Resp to Official Action mailed October 6, 2006

Docket No. 15997RRUS01U

Remarks:

In Summary, the Official Action reaches conclusions that are not supported by the disclosure in the cited reference. The reference to Johansson et al. is directed to protecting the privacy of an individual by preventing unauthorized persons from determining the location of the individual's mobile station (and therefore the individual). Johansson et al. have nothing to do with establishing a phone call. The claims of the present application, however, all include a limitation relating to a "do not disturb" feature in which a call is not routed to a called party phone if the "do not disturb" feature is activated and a local time of the called party is within a specified window. Stated differently, Johansson et al. protect something as constitutionally important as privacy while the present application protects a good night's sleep. The reference and the present invention solve different problems. The difference in teachings are more than mere idiomatic differences, they are differences in fundamental concepts.

The Official Action rejected all pending claims under 35 U.S.C. 102(b) as being anticipated by Johansson et al. (6,442,391). The Applicant will show that Johansson et al. do not show all of the limitations required by the claims. Further, the Applicant objects to the applicability of Johansson et al. as being relevant art to the teachings of the present invention.

The Applicant will first examine claim 1 as previously amended.

Claim 1 requires:

receiving at the calling party serving MSC call set-up signals for a called party mobile station;

The Official Action cites col. 4. lines 54-65 to teach the same thing. The applicant notes that the specific limitation is for call setup signals, not for different communications that are transmitted through common network elements. The claim requires "call setup signals" to be

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transmitted through the network as part of setting up a call. A careful reading of Johansson shows that Johansson et al. do not even require a call to be set up. Rather, Johansson et al. protect a user's privacy by preventing an unauthorized "outsider" from "being able to establish the geographical location of a mobile station with the aid of a mobile locating service." [col. 2, ll. 22-25]. Nothing in the cited passage cited, discloses or suggests that a call is being set up or that call setup signals are being transmitted as the claim requires.

Claim 1 also requires:

receiving, from the home location register, a called party serving MSC Id number and a local time for one of the called party serving MSC or the called party;

The official action cites col. 5, lines 1-34 and 53-60 as showing the transmission of a local time (with respect to the called party). Nowhere, in the cited passage, do Johansson et al. disclose evaluating or transmitting or receiving a "local time for ... the called party serving MSC or the called party". Rather, Johansson et al. disclose the transmission of routing information to enable the requesting user to determine a location of a specified individual (note, not a called party). The purpose is privacy related, not call routing related and certainly does not include the transmission of a local time of a specified mobile station.

The claims also require the following three steps that related call set up:

receiving an indication from the IVR either that the call is to be set up or that a message should be stored;

setting up the call with the called party serving MSC; and

connecting the call between the calling party and the called party.

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The Official Action cites col. 6, lines 7-33 as disclosing setting up a call. Nothing in the cited passage refers to or suggests setting up a call. Rather, it relates to logic relating to providing location information to divulge the location of the user (a privacy issue not a call set up issue).

Claim 5 requires:

receiving call set-up signals for a called party mobile station;

determining a local time for the last known location for the called party mobile station;

and

producing a local time corresponding to a last known location for the calling party mobile switching center.

As discussed above, these elements are not shown in Johansson et al.

Claim 9 requires:

determining a local time responsive to receiving the local time request signal; and

producing the local time to the MSC serving the user equipment terminal for delivery to the user equipment terminal.

As discussed above, these elements are not shown in Johansson et al.

Claim 17 requires:

logic for retrieving time zone data from a database;

logic for evaluating the retrieved time zone data; and

logic for generating a message to an MSC corresponding to the retrieved time zone data.

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As discussed above, these elements are not shown in Johansson et al. because Johansson et al. are not concerned with time, only with privacy.

Claim 23 requires:

receiving call set-up signals for a call being established between a calling party and a called party;

sending to a home location register one of a location update request signal to determine a serving MSC for the called party and a local time request signal;

receiving a local time for one of a last known location for the called party, a country code or an area code;

comparing the local time to a do not disturb time range;

As discussed above, these elements are not shown in Johansson et al.

As each independent claim is believed to be allowable over Johansson et al., it is believed that the grounds of rejection for the dependent claims are moot and will not be addressed. As a result of the foregoing, the Applicant respectfully submits that the remaining claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at jharrison@texaspatents.com.

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The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126 (ref. 15997RR).

Respectfully submitted,

Date: January 8, 2007

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